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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,232	01/24/2001	Chih-Wen Huang	YUSO-107	5690
7590	08/25/2004			
Raymond Sun 12420 Woodhall Way Tustin, CA 92782			EXAMINER CARTER, TIA A	
			ART UNIT	PAPER NUMBER
			2626	
			DATE MAILED: 08/25/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/769,232

Applicant(s)

HUANG ET AL.

Examiner

Tia A Carter

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5, 8 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,7 and 9-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 9, 10 and 12 are objected to because of the following informalities: The claims structure is improper whereas the claims cited above should not be in paragraph form, please refer to the MPEP 35 USC 1.75(d (1)) under patent rules. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 recites the limitation "said motor" in claim 2, lines 7. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (app. # 09769232: background of the invention).

Regarding claim 1, Huang et al. (background of the invention) discloses a position set structure of scanner transmission components (figs. 1-2), said structure has a position set holder molded at an adequate position of the case (figs. 1-2, page 1, lines 13-15). Besides, also molded on the holder are several position set axes and at least one hole (figs. 1-2, page 1, lines 16-17).

It would have been obvious to one skilled in the art the time of the invention to modify Huang et al. wherein the prior art submission on page 1 of the disclosure uses screws with the holder instead of a mold injection for the holder as cited in the present claims. Theses structural feature, however, does not change the functioning aspect of the invention. Therefore, both structural methods provide user with the same output.

Regarding claim 2, Huang et al. (background of the invention) discloses the position set structure of scanner transmission components as claimed in claim 1, wherein said holes serving as a position set of said motor (figs. 1-2, page 1, lines 16-18).

It would have been obvious to one skilled in the art the time of the invention to modify Huang et al. wherein the prior art submission on page 1 of the disclosure has holes set for the gears / motor as disclosed in the figures 1-2. Theses structural feature, however, does not change the functioning aspect of the invention. Therefore, both structural methods provide user with the same output.

Regarding claim 5, Huang et al. (background of the invention) discloses the position set structure of scanner transmission components as claimed in claim 1, wherein said transmission components include several gears mounted on position set axes and meshed with each other for transmission (see. Figs. 1-2, page 1, lines 16-17).

It would have been obvious to one skilled in the art the time of the invention to modify Huang et al. wherein the prior art submission on page 1 of the disclosure have the gears mounted on the holder as disclosed in the figures 1-2. Theses structural feature, however, does not change the functioning aspect of the invention. Therefore, both structural methods provide user with the same output.

Regarding claim 8, Huang et al. (background of the invention) discloses the position set structure of scanner transmission components as claimed in claim 1, wherein said position set structure of scanner transmission components is molded on the case (see figs. 1-2, page 1, lines 13-18).

It would have been obvious to one skilled in the art the time of the invention to modify Huang et al. wherein the prior art submission on page 1 of the disclosure have the gears mounted on the holder as disclosed in the figures 1-2. Theses structural feature, however, does not change the functioning aspect of the invention. Therefore, both structural methods provide user with the same output.

***Allowable Subject Matter***

5. Claims 3-4, 6-7 and 11-15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tang et al. (US. 6765702), Shih (US. 5818611), Chang et al. (GB 2336734), and Masaharu (JP 2001-007960) are cited to show related art with respect to a scanner's internal components.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia A Carter whose telephone number is 703 - 306-5433. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
TAC  
8/6/04

Tia A Carter  
Examiner  
Art Unit 2626

MARK WALLERSON  
PRIMARY EXAMINER

